

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - FLINT

NAKYA WILLIAMS #249968,

Plaintiff,

Case No. 2:08-CV-10197

vs.

Hon. David M. Lawson  
United States District Judge

MUHAMMAD MUSTAFA, M.D.,

Defendant.

Michael Hluchaniuk  
United States Magistrate Judge

---

**ORDER GRANTING DEFENDANT'S MOTION**  
**FOR LEAVE TO TAKE DEPOSITION OF PLAINTIFF**  
**PURSUANT TO FED.R.CIV.P. 30 (Dkt. 26)**

This matter is before the Court on the Defendant's Motion for Leave to Take Deposition of Plaintiff Pursuant to Fed.R.Civ.P. 30, filed on August 19, 2008. In support of the motion, the Defendant states that due to the fact that there is dispositive motion currently pending in this case, and that discovery is scheduled to close on September 2, 2008, the Defendant seeks to take the deposition of the Plaintiff prior to the close of discovery in order to further pursue and prepare his defense to this matter. Defendants further states that the institution in which the Plaintiff is housed also requires a written court order to allow a deposition of a prisoner.

Pursuant to Rule 30(a)(2), Federal Rules of Civil Procedure, leave of court is

required to take the deposition of an individual who is incarcerated and shall be granted to the extent consistent with the principles as outlined in Rule 26(b)(2).

Having considered the motion, the motion to allow the deposition of the prisoner is hereby **GRANTED**. The deposition of the Plaintiff shall take place at a date and time as agreed upon by the parties and correctional facility, but prior to the close of discovery.

**IT IS SO ORDERED.**

The parties to this action may object to and seek review of this Order, but are required to file any objections within 10 days of service as provided for in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not thereafter assign as error any defect in this Order to which timely objection was not made. Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), any objections must be served on this Magistrate Judge.

DATED: August 20, 2008

s/ Michael Hluchaniuk  
Michael Hluchaniuk  
United States Magistrate Judge

### **CERTIFICATE OF SERVICE**

I hereby certify that on August 20, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Ronald W.Chapman, David Mammel, and I hereby certify that I have hand delivered/ mailed by United States Postal Service the paper to the following non-ECFparticipants: Nakya Williams #249968, Huron Valley Complex - Men's, 3201 Bemis Rd., Ypsilanti, MI 48197.

s/ James P. Peltier

James P. Peltier

Courtroom Deputy Clerk

U.S. District Court

600 Church St.

Flint, MI 48502

810-341-7850

pete\_\_peltier@mied.uscourts.gov